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LETTER DATED 1 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Wye River Memorandum was conceived as a means of reviving the Israeli-Palestinian peace process by explicitly linking Israel's implementation of its commitments with the Palestinian Authority's fulfilment of its own obligations, particularly in the area of security. This linkage had become ever more critical as hundreds of Israelis were killed in escalating bombing attacks since 1994 that emanated from areas under the control of the Palestinian Authority.

Indeed, United States Secretary of State Madeleine Albright reaffirmed that reciprocity would be the guiding principle for the implementation of the Wye Memorandum time line: she wrote on 23 October 1998 to Prime Minister Benjamin Netanyahu that "actions in each stage of the time line are to be completed by both sides before moving on to the next stage" (emphasis added). Palestine Liberation Organization (PLO) Chairman Yasser Arafat himself accepted that reciprocity would govern the Oslo process, when he agreed to the Note for the Record, at the signing of the Hebron Protocol on 15 January 1997.

But what has happened since the Wye River Memorandum was signed? Israel implemented its end of the Wye bargain by fulfilling its responsibilities according to the first two stages of the time line, as well as other additional Israeli undertakings set forth in the agreement. Israel made tangible concessions of land; it completed protocols over a new Palestinian airport and industrial park. Unfortunately, with the exception of the modification of the PLO Charter and the enactment of a partial anti-incitement law, the PLO has not fulfilled any of its obligations that appear in the Wye River Memorandum. Compliance of Israel and the Palestinians with Wye is summarized below:

COMPLIANCE WITH WYE OBLIGATIONS

Palestinian obligations	Israeli obligations
• The Palestinian Authority issued a decree prohibiting incitement on 19 November 1998 (specific reference to terrorism, as required by Wye, lacking). Nonetheless, incitement to violence by high-level Palestinian officials and government-controlled media continues.	• Israel implemented first stage of further redeployment (total of 491.4 square kilometres transferred).
• PLO Charter modified on 14 December 1998.	• Israel completed protocol on Gaza Airport, which was opened on 24 November 1998.
• The Palestinian Authority fails to engage in "full bilateral security cooperation".	• Israel opened Karni Industrial Estate in Gaza on 14 December 1998, planned to provide 20,000 jobs.
• The Palestinian Authority fails to comply with Security Work Plan.	• Israel ready to complete opening of Southern Route of Safe Passage (Palestinians shifted emphasis to Northern Route).
• The Palestinian Authority fails to transfer list of Palestinian policemen, required in order to define, limit and therefore reduce the Palestinian security forces to 30,000 in accordance with the Interim Agreement.	• Israel has conducted eight rounds of negotiations on Gaza port.
• The Palestinian Authority fails to enact law outlawing terrorist organizations or military wings and their support structure.	• Israel has designated a team for the People-to-People Committee. The Palestinian Authority refuses to convene the Committee.
• The Palestinian Authority fails to convene the Trilateral Committee to deal with unauthorized weapons (mines, mortars, grenade launchers) and explosive materials in Palestinian areas. The Palestinian Authority fails to establish modalities for granting weapons licences, although a decree against illegal weapons has been issued.	• Israel has requested convening the Legal Committee. The Palestinian Authority has not responded to Israeli request to convene.

- The Palestinian Authority fails to refrain from taking unilateral steps which change the final status of the West Bank and Gaza Strip, as agreed in Wye: the Palestinian leadership repeatedly states its intention to unilaterally declare an independent state in May 1999.

- Israel has convened the Joint Economic Committee (Israel agreed to a Palestinian request for refund of purchase tax on Israeli products). Today, 105,000 Palestinians work in Israel on a daily basis.

The failure of Palestinian compliance with the Wye Memorandum is not just a question of diplomatic debate. The Wye Memorandum specifically states that the Palestinians will develop a work plan "to ensure the systematic and effective combat of terrorist organizations and their infrastructure" (article II.A.1, para. b). Yet since Wye, the Palestinian Authority has failed to outlaw the Palestinian organizations that sent waves of suicide bombers against Israeli cities, from 1994 through 1998. In fact, Palestinian Authority negotiator Nabil Shaath now claims: "There are no provisions for dismembering Hamas or the Islamic resistance or their offices or any of the things Israel considered the infrastructure of terrorism" (The Jerusalem Times 18 December 1998).

These failures seriously elevate the security threat to Israel. For example, at the time of the signing of the Wye Memorandum, Israel received assurances from the Palestinians that procedures had been put into place to prevent unwarranted releases of individuals suspected of abetting or perpetrating acts of violence or terror. Yet in the last two months, in direct violation of procedures to which the parties agreed at Wye, PLO Chairman Yasser Arafat released 60 individuals involved in terrorist organizations. These included two senior Hamas terrorists, Jihad Suwiti and Arafat Kawasmeh, both of whom worked for Hassan Salameh, the mastermind of the February-March 1996 suicide bombings that killed scores of civilians. Also released was Hassan Alimani, another senior Hamas operative, who served under the Awadallah brothers, the perpetrators of the 30 July 1997 bombing in Jerusalem.

Moreover, despite the enactment of the anti-incitement law on 19 November 1998, Palestinian Authority television still attempts to mobilize children for armed conflict. For example, on 11 January 1999, Palestinian Authority television broadcast a four-year-old girl chanting in Arabic: "My rights - I shall take them. I shall take them with a machine gun and a knife." Abu Ala, the speaker of the Palestinian Legislative Council, told a rally of Palestinians on 1 December 1998: "The leadership that threw stones is ready to return and use stones to free the people and the land" (The New York Times, 3 December 1998). The next day a Palestinian lynch mob attacked an Israeli vehicle near Ramallah, nearly killing its passengers with stones.

What should Israel do? Israel could ignore these repeated Palestinian violations and just turn over more land. But this would only accelerate and deepen Palestinian non-compliance. Under such circumstances, terrorism would inevitably escalate, leading to a complete breakdown of the Oslo peace process. Alternatively, Israel could decide that Palestinian violations, amounting to a

fundamental breach of the Oslo and Wye agreements, call for Israel to withdraw from its own obligations entirely. But this is not Israel's decision.

Israel cannot ignore Palestinian non-compliance any more that it will reject signed peace agreements. The only choice for Israel is to say yes to peace, but to insist on peace with reciprocity - which are the agreed terms of reference of the Oslo process since 1997: that is, Israel will go forward if the Palestinians implement their obligations as well.

Right now, however, the PLO is declaredly not interested in implementing its Wye commitments or in pursuing the negotiating process. Less than a month after signing the Wye Memorandum, PLO Chairman Yasser Arafat stated on 14 November 1998, at a rally in Nablus: "We will declare our independent state on May 4, 1999 with Jerusalem as its capital, yes Jerusalem the eternal capital of our state, whether they like it or not."

Yet Mr. Arafat knows full well that in the Oslo II Interim Agreement, which he signed on 28 September 1995 along with the late Prime Minister Yitzhak Rabin, it is stated: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations" (article XXXI, para. 7, emphasis added). This commitment was repeated at Wye (article V). Clearly, a unilateral declaration of a Palestinian state constitutes a total violation of this undertaking.

The international community is witnessing a series of reversals of many agreements and treaties in regional conflicts that once held out great promise. In the Israeli-Palestinian case, no one can substitute for either party to make the peace process work. Yet there are two basic axioms of international conduct that, if applied in every major dispute, would seriously improve the chances of peace. First, there is no substitute for a negotiated settlement. Unilateralist proposals for settling the Arab-Israeli conflict, using diplomatic means outside the negotiating process, are completely inconsistent with the Oslo process and with written assurances that Mr. Arafat provided to Prime Minister Rabin in September 1993. Equally, the international community should reject attempts to get the United Nations General Assembly to decide issues that belong at the negotiating table.

A second basic axiom of international conduct that must be encouraged if contemporary conflicts are to be resolved is that there has to be compliance with agreements. It is often convenient to ignore violations, in order to keep forward momentum in a peace process sustained. But eventually the violations accumulate and undermine the very basis of an agreement - particularly when security issues are involved and the potential loss of innocent lives is at stake.

Despite the difficulties, Oslo and Wye can go forward. Both Prime Minister Benjamin Netanyahu and Foreign Minister Ariel Sharon have reiterated that Israel is ready to proceed if the Palestinians implement their commitments. But this requires that the international community vote for a real negotiating process and not unilateralism. It also requires supporting compliance with peace agreements and not excusing or whitewashing fundamental violations. This is

what separates diplomacy that builds peace and security from diplomacy that leads to collapse and eventual anarchy.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ambassador Dore GOLD
Permanent Representative